

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 401**

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**Introduced by Assembly ~~Member Goldberg~~ *Members De La Torre and Goldberg***

February 15, 2005

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An act to add Section 60049 to the Education Code, relating to instructional materials.

### LEGISLATIVE COUNSEL'S DIGEST

AB 401, as amended, ~~Goldberg~~ *De La Torre*. Supplementary instructional materials: English language learners.

Existing law, the Budget Act of 2004, provides \$30,000,000 on a one-time basis to provide supplemental instructional materials specifically for English language learners in kindergarten and grades 1 to 12, inclusive, as prescribed. The Budget Act of 2004 requires that those funds be available for encumbrance by local education agencies until June 30, 2006.

This bill would require the Superintendent of Public Instruction to allocate funding to school districts, without regard to encumbrance by a specified date, to provide supplementary instructional materials specifically for English language learners in kindergarten and grades 1 to 12, inclusive, for the purpose of accelerating those pupils as rapidly as possibly toward grade level proficiency. The bill would require that the supplementary instructional materials be designed to help English language learners become proficient in reading, writing, and speaking English and would authorize their use only in addition to the standards-aligned materials adopted by the State Board of Education

under existing law. *The bill would require the State Department of Education to develop a correlation matrix that is to be used to determine if the supplementary instructional materials correlate to the standards adopted by the board and would provide requirements relating to the certification of that correlation by participating school districts.*

*The bill would make implementation of these provisions contingent on funding being appropriated for that purpose in the annual Budget Act.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 60049 is added to the Education Code,  
2 to read:

3 60049. (a) The Superintendent shall allocate funding to  
4 school districts to provide supplementary instructional materials  
5 specifically for English language learners in kindergarten and  
6 grades 1 to 12, inclusive, for the purpose of accelerating those  
7 pupils as rapidly as possibly toward grade level proficiency. The  
8 supplementary instructional materials shall be designed to help  
9 English language learners become proficient in reading, writing,  
10 and speaking English and may only be used in addition to the  
11 standards-aligned materials adopted by the ~~State Board of~~  
12 ~~Education~~ state board pursuant to Section 60605.

13 (b) *A school district shall be eligible for funding of up to*  
14 *twenty-five dollars (\$25) per pupil, based on the most recently*  
15 *certified language census number of English language learners*  
16 *in kindergarten and grades 1 to 12, inclusive, to purchase any*  
17 *supplementary instructional materials that the department*  
18 *verifies and the state board approves as being substantially*  
19 *correlated to identified state standards adopted pursuant to*  
20 *Section 60811, as applied in the standards adopted pursuant to*  
21 *Section 60605.*

22 (c) *The department shall develop a correlation matrix that*  
23 *shall be used to determine if the supplementary instructional*  
24 *materials correlate to the standards adopted by the state board.*  
25 *The contents of the matrix shall be divided into the English*  
26 *language development levels of proficiency such as, beginning,*

1 *intermediate, and advanced and indicate the manner in which the*  
2 *English language development standards will be used to provide*  
3 *a path to obtaining grade level skills in reading, writing, and*  
4 *speaking. The department shall assign individuals with*  
5 *demonstrated expertise in English language development and the*  
6 *education of English language learners to develop the*  
7 *correlation matrix. The department shall not assign the*  
8 *development of the correlation matrix to the Curriculum*  
9 *Development and Supplemental Materials Commission*  
10 *established pursuant to Section 33530.*

11 *(d) Prior to the submission of the supplementary instructional*  
12 *materials to the department for verification that the materials*  
13 *correlate to identified standards, publishers shall submit*  
14 *standards maps to the department and any requesting school*  
15 *district so that the department and the school district can*  
16 *determine the extent to which each item, if purchased separately,*  
17 *or as a set of supplementary instructional materials for English*  
18 *language learners is correlated to the standards adopted by the*  
19 *state board. The standards maps shall be filled out using the*  
20 *most recent format approved by the department. The contents for*  
21 *the standards map shall be the correlation matrix as described in*  
22 *subdivision (c).*

23 *(e) The supplementary instructional materials that are found*  
24 *to be aligned to the matrix shall not be required to be*  
25 *resubmitted in subsequent years.*

26 *(f) The supplementary instructional materials may address one*  
27 *or all four domains of language, including listening, speaking,*  
28 *reading or writing.*

29 *(g) As a condition of receipt of funds pursuant to this section,*  
30 *a school district that elects to participate shall do both of the*  
31 *following:*

32 *(1) Submit an intent to purchase, specifying the title,*  
33 *international standards book number (ISBN), grade levels, type,*  
34 *and publisher of the supplementary instructional materials the*  
35 *district intends to purchase, and the number of pupils for which*  
36 *the supplementary instructional materials will be purchased.*

37 *(2) Certify that the supplementary instructional materials the*  
38 *district intends to purchase are substantially correlated to*  
39 *support the identified state standards and adopted materials, and*  
40 *shall submit this certification to the department.*

1     (h) A school district may use the funds received pursuant to  
2     this section for one or more grades that the district determines  
3     will best help pupils most in need.

4     (i) After a school district notifies the department that it intends  
5     to purchase supplementary instructional materials, the  
6     department may select and train panels of teachers and  
7     educators to verify the standards maps provided by the  
8     publishers and examine the materials for legal and social  
9     compliance. The department shall provide an appeals process to  
10    allow due process review of discrepancies of findings in the  
11    verification process.

12    SEC. 2. Implementation of Section 60049 of the Education  
13    Code is contingent on funding being appropriated for that  
14    purpose in the annual Budget Act.